

AMENDED IN ASSEMBLY JULY 7, 1997

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

**SENATE BILL**

**No. 675**

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**Introduced by Senator Costa**

February 25, 1997

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An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 675, as amended, Costa. Air pollution: odors.

Existing law prohibits the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public. Existing law exempts from that prohibition, until October 16, 1997, odors emanating directly from a facility or operations that produce, manufacture, or handle compost, as defined.

This bill would extend that exemption for a specified 4-year period and require the California Integrated Waste Management Board, on or before April 1, 1998, to convene a working group, as prescribed, to assist in the implementation of the exemption.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41705 of the Health and Safety  
2 Code, as amended by Section 2.1 of Chapter 952 of the  
3 Statutes of 1995, is amended to read:

4 41705. (a) Section 41700 shall not apply to odors  
5 emanating from ~~either~~ any of the following:

6 (1) Agricultural operations necessary for the growing  
7 of crops or the raising of fowl or animals.

8 (2) Operations that produce, manufacture, or handle  
9 compost, as defined in Section 40116 of the Public  
10 Resources Code, provided that the odors emanate  
11 directly from the compost facility or operations.

12 (3) *Operations that compost green material or animal*  
13 *waste products derived from agricultural operations, and*  
14 *that return similar amounts of the compost produced to*  
15 *that same agricultural operations source, or to an*  
16 *agricultural operations source owned or leased by the*  
17 *owner, parent company, or subsidiary conducting the*  
18 *composting operation. The composting operation may*  
19 *produce an incidental amount of compost not exceeding*  
20 *2,500 cubic yards of compost, which may be given away*  
21 *or sold annually.*

22 (b) If a district receives a complaint pertaining to an  
23 odor emanating from a compost operation exempt from  
24 Section 41700 pursuant to paragraph (2) *or* (3) of  
25 subdivision (a), that is subject to the jurisdiction of an  
26 enforcement agency under Division 30 (commencing  
27 with Section 40000) of the Public Resources Code, the  
28 district shall, ~~as soon as is feasible~~ *within 24 hours or by the*  
29 *next working day*, refer the complaint to the enforcement  
30 agency.

31 (c) This section shall become inoperative on the date  
32 that is four years from the effective date of this section,  
33 as amended by the act adding this subdivision, and, as of  
34 January 1, 2002, is repealed, unless a later enacted statute,  
35 that becomes operative on or before that date, deletes or

1 extends the dates on which it is inoperative and is  
2 repealed.

3 SEC. 2. Section 41705 is added to the Health and  
4 Safety Code, to read:

5 41705. (a) Section 41700 does not apply to odors  
6 emanating from agricultural operations that are  
7 necessary for the growing of crops or the raising of fowl  
8 or animals.

9 (b) This section shall become operative on the date  
10 that is four years from the effective date of the act adding  
11 this section, unless a later enacted statute, that becomes  
12 operative on or before that operative date, deletes or  
13 delays that operative date.

14 SEC. 3. Section 43209.1 of the Public Resources Code  
15 is amended to read:

16 43209.1. (a) Notwithstanding any other provision of  
17 law, if an enforcement agency receives a complaint,  
18 pursuant to subdivision (b) of Section 41705 of the Health  
19 and Safety Code, from an air pollution control district or  
20 an air quality management district pertaining to an odor  
21 emanating from a compost facility under its jurisdiction,  
22 the enforcement agency shall, ~~in consultation with the~~  
23 ~~district,~~ take appropriate enforcement actions pursuant  
24 ~~to this part. The enforcement agency shall, within 10 days~~  
25 ~~from the date of receipt of the complaint, notify the~~  
26 ~~district of any enforcement actions that have been taken~~  
27 ~~or will be taken to control the emanation of the odor. to~~  
28 ~~this part.~~

29 (b) On or before April 1, 1998, the board shall convene  
30 a working group consisting of enforcement agencies and  
31 air pollution control districts and air quality management  
32 districts to assist in the implementation of this section and  
33 Section 41705 of the Health and Safety Code. The board  
34 and the working group shall ~~take those actions~~ *develop*  
35 *recommendations on odor measurement and thresholds,*  
36 *complaint response procedures, and enforcement tools*  
37 *and take any other action* necessary to ensure that  
38 enforcement agencies respond in a timely ~~fashion~~ *and*  
39 *effective manner* to complaints of odors emanating from  
40 composting facilities.

1 (c) This section shall become inoperative on the date  
2 that is four years from the effective date of of the act  
3 adding subdivision (b), and, as of January 1, 2002, is  
4 repealed, unless a later enacted statute, that becomes  
5 operative on or before that date, deletes or extends the  
6 dates on which it becomes inoperative and is repealed.

7 SEC. 4. This act is an urgency statute necessary for the  
8 immediate preservation of the public peace, health, or  
9 safety within the meaning of Article IV of the  
10 Constitution and shall go into immediate effect. The facts  
11 constituting the necessity are:

12 In order to maintain continuity in achieving the  
13 purposes of the California Integrated Waste  
14 Management Act of 1989, it is necessary that this act take  
15 effect immediately.

